

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 734
OFFERED BY M. _____**

Beginning on page 1, strike line 8 and all that follows through page 2, and insert the following:

1 “(d) ATHLETICS.—

2 “(1) GENERAL.—No person shall, on the basis
3 of sex, be excluded from participation in, be denied
4 the benefits of, be treated differently from another
5 person or otherwise be discriminated against in any
6 interscholastic, intercollegiate, club or intramural
7 athletics offered by a recipient, and no recipient
8 shall provide any such athletics separately on such
9 basis.

10 “(2) SEPARATE TEAMS.—Notwithstanding the
11 requirements of paragraph (1) of this section, a re-
12 cipient may operate or sponsor separate teams for
13 members of each sex where selection for such teams
14 is based upon competitive skill or the activity in-
15 volved is a contact sport. However, where a recipient
16 operates or sponsors a team in a particular sport for
17 members of one sex but operates or sponsors no
18 such team for members of the other sex, and athletic

1 opportunities for members of that sex have pre-
2 viously been limited, members of the excluded sex
3 must be allowed to try-out for the team offered un-
4 less the sport involved is a contact sport. For the
5 purposes of this part, contact sports include boxing,
6 wrestling, rugby, ice hockey, football, basketball and
7 other sports the purpose or major activity of which
8 involves bodily contact.

9 “(3) EQUAL OPPORTUNITY.—A recipient which
10 operates or sponsors interscholastic, intercollegiate,
11 club or intramural athletics shall provide equal ath-
12 letic opportunity for members of both sexes. In de-
13 termining whether equal opportunities are available
14 the director will consider, among other factors:

15 “(A) Whether the selection of sports and
16 levels of competition effectively accommodate
17 the interests and abilities of members of both
18 sexes,

19 “(B) The provision of equipment and sup-
20 plies,

21 “(C) Scheduling of games and practice
22 time,

23 “(D) Travel and per diem allowance,

24 “(E) Opportunity to receive coaching and
25 academic tutoring,

1 “(F) Assignment and compensation of
2 coaches and tutors,

3 “(G) Provision of locker rooms, practice
4 and competitive facilities,

5 “(H) Provision of medical and training fa-
6 cilities and services,

7 “(I) Provision of housing and dining facili-
8 ties and services,

9 “(J) Publicity.

10 Unequal aggregate expenditures for members of
11 each sex or unequal expenditures for male and fe-
12 male teams if a recipient operates or sponsors sepa-
13 rate teams will not constitute noncompliance with
14 this section, but the Assistant Secretary may con-
15 sider the failure to provide necessary funds for
16 teams for one sex in assessing equality of oppor-
17 tunity for members of each sex.

18 “(4) ADJUSTMENT PERIOD.—A recipient which
19 operates or sponsors interscholastic, intercollegiate,
20 club or intramural athletics at the elementary school
21 level shall comply fully with this subsection as expe-
22 ditiously as possible but in no event later than one
23 year from the effective date of this subsection. A re-
24 cipient which operates or sponsors interscholastic,
25 intercollegiate, club or intramural athletics at the

1 secondary or post-secondary school level shall comply
2 fully with this subsection as expeditiously as possible
3 but in no event later than three years from the effec-
4 tive date of this subsection.”.

